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REPORT ON THE NEAR FATALITY OF:



BORN: November 13, 2009
DATE OF NEAR FATALITY INCIDENT: June 23, 2011

FAMILY KNOWN TO:
Luzerne County Children, Youth and Families

REPORT FINALIZED ON: 06/04/2012

This report is confidential under the provisions of the Child Protective Services Law and cannot be released.

(23 Pa. C.S. Section 6340)

Unauthorized release is prohibited under penalty of law.

(23 Pa. C.S. 6349 (b))

Reason for Review:

Senate Bill 1147, Printer's Number 2159 was signed into law on July 3, 2008. The bill became effective on December 30, 2008 and is known as Act 33 of 2008. As part of Act 33 of 2008, DPW must conduct a review and provide a written report of all cases of suspected child abuse that result in a child fatality or near fatality. This written report must be completed as soon as possible but no later than six months after the date the report was registered with ChildLine for investigation.

Act 33 of 2008 also requires that county children and youth agencies convene a review when a report of child abuse involving a child fatality or near fatality is indicated or when a status determination has not been made regarding the report within 30 days of the oral report to ChildLine. Luzerne County has not convened a review team in accordance with Act 33 of 2008 related to this report. The review has not been conducted due to the agency's difficulty in securing a chair person to lead the process. A review will be conducted once a chair person is identified.

Family Constellation:

<u>Name:</u>	<u>Relationship:</u>	<u>Date of Birth:</u>
[REDACTED]	Child	11/13/2009
[REDACTED]	Mother	[REDACTED] 1982
[REDACTED]	Father of [REDACTED]	[REDACTED] 1975
[REDACTED]	Father of [REDACTED]	unknown
[REDACTED]	Father of [REDACTED]	unknown
[REDACTED]	Father of [REDACTED]	unknown
[REDACTED]	Half-Sibling	[REDACTED] 1995
[REDACTED]	Half-Sibling	[REDACTED] 1998
[REDACTED]	Half-Sibling	[REDACTED] 2001
[REDACTED]	Half-Sibling	[REDACTED] 2002
[REDACTED]	Half-Sibling	[REDACTED] 2004
[REDACTED]	Half-Sibling	[REDACTED] 2005
[REDACTED]	Sibling	[REDACTED] 2008
[REDACTED]	Half-Sibling	[REDACTED] 2010
[REDACTED]	Maternal Grandmother	unknown
[REDACTED]	Paternal Grandmother of [REDACTED]	unknown
[REDACTED]	Paternal Grandmother of [REDACTED]	unknown

Notification of Child Near Fatality:

On June 23, 2011, Luzerne County Children and Youth received a call [REDACTED] concerning [REDACTED]. The information that the agency received reported that the child was life-flighted to Lehigh Valley Hospital after presenting to the Hazleton General Emergency Room after falling out of a first or second story window onto a pile of garbage bags filled with

carpet. The child was certified to be in critical condition due to suspected abuse/neglect. It was initially assumed by the ER to be a spinal or head injury; however, after a CAT scan, the child was found to have a [REDACTED] and it was unknown at the time if the child would require surgery. Despite the child being unresponsive when first arriving at the hospital, it was expected that he would survive. The family reported to the hospital that the child was upstairs playing with other children and somehow got out the window and fell to the ground. Mother reported to the hospital that she left the child upstairs and found him lying on the ground. The case was [REDACTED] [REDACTED] for lack of supervision resulting in a physical condition.

Summary of DPW Child (Near) Fatality Review Activities:

The Northeast Regional Office of Children, Youth and Families obtained and reviewed all current and past case records pertaining to the [REDACTED] family. Information was also obtained from the [REDACTED] Supervisor and the Ongoing Casework Supervisor.

Summary of Services to Family:

Children and Youth Involvement prior to Incident:

April 17, 2002 - The agency [REDACTED] [REDACTED] stating that the mother was admitted to the hospital the day before at 18 weeks pregnant and had tested positive for cocaine. The referral source was concerned for the other children in the home due to the mother's drug use. The allegations were substantiated and the case was accepted for services. Shortly after opening the case, [REDACTED]

[REDACTED]. In September, 2002, the agency received a report that the mother was having unsupervised contact with the children. [REDACTED]

[REDACTED]. The mother was released from the hospital with [REDACTED] and was residing in the maternal grandmother's home. On September 25, 2002, due to positive drug screens for both mother and father, [REDACTED]

[REDACTED]. Services were provided to the family through August 4, 2004 when the case was closed. At the time of closing, [REDACTED] were in the custody of their mother, [REDACTED] were in the custody of their paternal grandmother in PA, and [REDACTED] was residing with his father in the Dominican Republic.

December 22, 2005 - The agency [REDACTED] [REDACTED] stating that mother had delivered a baby boy and that, at the time of admission, she tested positive for cocaine. Mother reported that she had used [REDACTED]. The allegations were not substantiated and the mother declined services. The case was closed January 13, 2006.

October 27, 2008 - The agency [REDACTED] stating that the mother had given birth to her 7th child, [REDACTED]. Mother tested positive for cocaine twice during prenatal care and tested positive upon admission. The child's urine screen was also positive for cocaine and the child was on a [REDACTED] and described as jittery. The case was opened for services on December 19, 2008. The mother and maternal grandmother were in agreement that the maternal grandmother would ensure the safety and supervision of the children at all times. Mother was not to have any unsupervised contact with the children without prior agency approval. The mother was referred to parenting educational classes and [REDACTED]. She completed parenting classes; however, she was [REDACTED] unsuccessfully. Services were provided until the case was closed on November 12, 2009.

September 22, 2009 - Prior to the case being closed on November 12, 2009, the agency received a [REDACTED] requesting a courtesy interview. The referral source stated that the child, [REDACTED], who was in the custody of the paternal grandmother in New York, had not been in school in New York. The paternal grandmother in New York gave [REDACTED] the child's current address in PA. [REDACTED] was requesting that the agency obtain contact information for the mother and assure safety and school attendance for the child. As a result of the agency's intervention, the child was returned to the custody of the legal guardian in New York. The courtesy interview was completed prior to the family's case being closed on November 12, 2009.

February 2, 2010 - The agency received [REDACTED] stating that the child, [REDACTED], came to the nurse's office that day reporting that she didn't eat dinner the night before or breakfast that morning. The child reported that she was staying with her aunt while the mother was in New York and that the aunt did not feed her and her siblings because she was too busy throwing a party. The children confirmed that they were fed dinner by their mother prior to her leaving for New York but were not fed breakfast. The mother returned to PA and confirmed that she would not use the aunt as a babysitter in the future. The case was closed at intake on April 5, 2010.

November 27, 2010 - The agency received [REDACTED] alleging that the children were frequently left alone after 10PM. The report was made [REDACTED] who was reporting the allegations 2 months after the alleged incidents took place. The children denied being left unsupervised. The maternal grandmother was residing in the home for ½ of the week and the children were visiting with her at her home also. There were no child abuse or neglect issues substantiated and the case was closed at intake on January 24, 2011.

May 4, 2011 - The agency received [REDACTED] stating that the child, [REDACTED], was hit in the face with a large rock by his mother's sister's boyfriend. The child had injuries to his face. There was a domestic dispute between the child's aunt and her boyfriend. The boyfriend was outside of the home and picked up a rock to throw at the maternal aunt who was standing in the doorway of the home. She opened the screen just as he threw the rock and it went into the home and hit the child in the face. The child was brought to the hospital by the mother and maternal grandmother. The agency determined that the child was injured accidentally. The boyfriend did not reside in the home with the child. The case was closed at intake.

Circumstances of Child Near Fatality and Related Case Activity:

The case was registered as a near fatality on June 23, 2011 after the child was life-flighted to Lehigh Valley Hospital and confirmed to have a [REDACTED] as a result of being left unsupervised and falling out of a second story window. The family reported that the child was upstairs playing with the other children and somehow got out of the window and fell to the ground. The mother stated that she found him lying on the ground and that only the other children were upstairs with him at the time. 911 was called; however, by the time the police and ambulance arrived, the child had been driven to the hospital. The child was unresponsive when he arrived at the hospital but was able to begin breathing on his own. The emergency room initially assumed a [REDACTED]; however, he did not have either. He did present to the emergency room with an obvious [REDACTED]. The child was certified to be in critical condition by the doctor at [REDACTED]. [REDACTED] initially reported that the family gave conflicting stories and that, although the family reported that the child fell out of the window onto a pile of garbage bags filled with old carpets, the neighbor stated that there were no garbage bags in that area and that the only thing the child could have fallen on was cement. Initially, [REDACTED] stated that there was no way that the child's injuries could have been sustained in the manner described by the family; therefore, the case was registered due to the child's injury and mother's admission that she left him upstairs unattended.

The CPS Investigation concluded that there were four children in the room when [REDACTED] fell out of the window. All of the children were age 3 or under. The window was open due to a 12 year old cousin removing a window fan from the window in order to bring it to another room. The 12 year old never returned to the room with the younger children after removing the fan. The parents took the victim child to the emergency room when they heard him crying and realized he fell out of the window. 911 was called; however, the parents reported that 911 asked too many questions so they transported the child to Hazleton General Hospital themselves. The medical staff were waiting for the child. The child was blue and unresponsive when arriving at the hospital; however, he began to breathe on his own shortly after they arrived. A [REDACTED] scan [REDACTED] was done and [REDACTED]. The child was transported to the Lehigh Valley Hospital via helicopter and a repeat x-ray of the [REDACTED] x-ray were completed. There were no signs of pulling or twisting of limbs. [REDACTED] was determined to be caused by the impact, not a pull or twist. The doctors were not concerned with the parent's explanation and felt it matched the injuries.

At the conclusion of the investigation, the mother was INDICATED for physically neglecting the victim child resulting in the child sustaining [REDACTED] after falling out of a second story window. The mother was INDICATED on July 21, 2011 for the Physical Neglect (Lack of Supervision) of her son.

Current Case Status:

The case has remained open for services since the incident. Due to concerns about domestic incidents between the mother and one of the children's fathers, the agency [REDACTED]

[REDACTED];
[REDACTED] are currently in school and [REDACTED] are attending a day care program. Although [REDACTED] is residing with his mother in Pennsylvania, he continues in the [REDACTED] of his paternal grandmother in NY. [REDACTED] continue to reside with their father in the Dominican Republic and [REDACTED] continues to reside with his paternal grandmother in NY. The mother recently completed [REDACTED] after the caseworker brought the mother to see the program on January 10, 2012. There is a [REDACTED] scheduled for February 10, 2012.

County Strengths and Deficiencies and Recommendations for Change as Identified by the County's Child (Near) Fatality Report:

Act 33 of 2008 requires that county children and youth agencies convene a review when a report of child abuse involving a child fatality or near fatality is indicated or when a status determination has not been made regarding the report within 30 days of the oral report to ChildLine. Luzerne County has not convened a review team in accordance with Act 33 of 2008 related to this report. The county agency has been unable to find a chair person willing to accept the responsibility of chairing the Act 33 committee. The agency has recently scheduled an Act 33 review team meeting for February 16, 2012.

Department Review of County Internal Report:

N/A; The county has not completed an internal report regarding this case. The Act 33 review team meeting is scheduled for February 16, 2012.

Department of Public Welfare Findings:

- County Strengths: The agency engaged the children's relatives in PA and NY, completed an interstate compact home study for the paternal grandmother in NY and has been timely in responding to requests from the Regional office for additional information regarding this case.
- County Weaknesses: The agency has been without a chair person to lead the Act 33 Review Committee for several months and, therefore, has not conducted Act 33 meetings as required.
- Statutory and Regulatory Areas of Non-Compliance:
The agency is not in compliance with Act 33.

Department of Public Welfare Recommendations:

The agency is encouraged to immediately seek a permanent chair person to lead the Act 33 review committee and to begin to review child fatality/near fatality cases as required by law.